

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF MISSISSIPPI  
SOUTHERN DIVISION**

**DWAYNE COMEGER and JOYCE COMEGER**

**PLAINTIFFS**

**v.**

**CAUSE NO. 1:16CV13-LG-RHW**

**WELLS FARGO BANK, N.A., MORRIS  
& ASSOCIATES, and EMILY KAYE COURTEAU**

**DEFENDANTS**

**ORDER GRANTING MOTION FOR DEFAULT JUDGMENT**

BEFORE THE COURT is the Motion [17] for Default Judgment on Counterclaim filed by Counter Claimant Wells Fargo Bank, N.A. Wells Fargo asserts that it served its Answer and Counterclaim on plaintiff Dwayne Comeger on March 7, 2016. (Mot. for Entry of Default Ex. A, ECF No. 11-1). Because Dwayne Comeger did not file a timely Answer to the Counterclaim, Wells Fargo obtained a Clerk's Entry of Default. (ECF No. 12).

In its counterclaim, Wells Fargo seeks expenses and attorneys fees from Dwayne Comeger for filing false documents in the United States Bankruptcy Court and relying on those filings to bring two lawsuits against Wells Fargo. According to Wells Fargo's attached affidavit, its resulting expenses and attorneys fees total \$8264.60. (Mot. for Default J. Ex. A, ECF No. 17-1). Wells Fargo requests a default judgment under Fed. R. Civ. P. 55(b)(1), because its counterclaim is for a sum that can be made certain by computation, and it has provided an affidavit showing the amount due.

After reviewing the record, the Court finds that the Motion for Default Judgment is well-taken and should be granted. Wells Fargo is entitled to a default judgment pursuant to Rule 55(b)(1) of the Federal Rules of Civil Procedure against Counter Defendant Dwayne Comeger in the amount of \$8264.60, plus post-judgment interest at the currently prescribed federal rate from the date of judgment until paid in full. *See* 28 U.S.C. § 1961.

**IT IS THEREFORE ORDERED AND ADJUDGED** that the Motion for Default Judgment [17] filed by Wells Fargo Bank, N.A., is **GRANTED**. Wells Fargo Bank, N.A. shall recover from Dwayne Comeger the amount of \$8264.60, plus post-judgment interest at the currently prescribed federal rate from the date of judgment until paid in full.

**SO ORDERED AND ADJUDGED** this the 24th day of May 2016.

s\ *Louis Guirola, Jr.*

Louis Guirola, Jr.  
Chief U.S. District Judge